

IN THE UNITED STATES DISTRICT
COURT WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CRUZ SANCHEZ and CIELO HILLS,
LLC, as Intervenor

v.

HOUSING AUTHORITY OF THE
CITY OF SAN ANTONIO, TEXAS

§
§
§
§
§
§
§

CIVIL ACTION NO. SA-19-CV-01248-XR

**DEFENDANT HOUSING AUTHORITY OF THE CITY OF SAN ANTONIO'S
RESPONSE TO PLAINTIFF CRUZ SANCHEZ AND INTERVENOR CIELO HILLS,
LLC'S MOTION TO COMPEL MEDIATION**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

NOW COMES, Defendant, HOUSING AUTHORITY OF THE CITY OF SAN ANTONIO (hereinafter referred to as "Defendant" or "SAHA") and files its Response to Plaintiff Cruz Sanchez and Intervenor Cielo Hills, LLC's Motion to Compel Mediation, and in support thereof would show unto the Court as follows:

1. On January 10, 2020, Plaintiff and Intervenor filed their Motion to Compel Mediation.¹ Contemporaneously with this Response to Plaintiff and Intervenor's Motion to Compel Mediation, SAHA is filing a Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(c).
2. Defendant does not believe mediation is appropriate in this case as it is Defendant's belief that under the law and the facts of this case, neither Plaintiff nor Intervenor can state a claim against Defendant as a matter of law. As set forth in SAHA's motion to dismiss, SAHA contends it does not have liability on any of Plaintiff or Intervenor's claims. SAHA asserts it has

¹ Docket No. 17.

governmental immunity from suit on all claims asserted by Intervenor.²

3. Moreover, SAHA would show that notwithstanding Plaintiff and Intervenor's assertion the amount in controversy is small, Plaintiff and Intervenor are each seeking the recovery of attorney's fees in addition to the amount in controversy. Additionally, according to Plaintiff's Initial Rule 26 Disclosures, she is seeking to recover mental anguish damages.
4. Based upon the foregoing, SAHA does not agree at this time to mediate this lawsuit. SAHA will reconsider mediation in the event it is unsuccessful on its motion to dismiss.

WHEREFORE, PREMISES CONSIDERED, Defendant Housing Authority of the City of San Antonio prays that Plaintiff and Intervenor's opposed Motion to Compel Mediation be, in all things, denied, and for such other and further relief, both general and special, at law or in equity, to which Defendant may show itself justly entitled.

**HOBLIT DARLING RALLS
HERNANDEZ & HUDLOW LLP**
6243 IH-10 West, Suite 601
San Antonio, Texas 78201
Telephone: (210) 224-9991
Facsimile: (210) 226-1544

By: _____



N. MARK RALLS
Texas Bar No. 16489200
Email: mralls@hdr-law.com
JAMES J. LEECH
State Bar No. 24070131
Email: jleech@hdr-law.com
HARRISON C. FISHER
State Bar No. 24095498
Email: hfisher@hdr-law.com

² See Defendant SAHA's Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(c).

CERTIFICATE OF SERVICE

I hereby certify that on January 17, 2020, a true and correct copy of the forgoing instrument was sent by means indicated to the following:

Ricardo A. Roman
TEXAS RIO GRANDE
LEGAL AID, INC.
1111 N. Main
San Antonio, Texas 78212
Attorney for Plaintiff

VIA CM/ECF

Charlie Riley
RILEY & RILEY
320 Lexington Ave.
San Antonio, Texas 78215
Attorney for Intervenor

VIA CM/ECF



N. MARK RALLS